

REMARKS/ARGUMENTS

Applicants respectfully request withdrawal of the rejection in light of the above amendments and the following comments. Claims 1-13 and 17-32 are pending in the application.

The Examiner also rejected claims 1-13 and 17-32 on the grounds of non-statutory obviousness-type double patenting over copending U.S. Patent Application No. 11/184,457 to Xin et al. ("Xin").

A. The Claim Amendments

Amendments were made to claims 1, 2, 20, 23 and 25 to replace barium with alkaline earth. This is supported in the specification at page 9, line 30 and makes claim 2 more clear, which provides a formula for the thioaluminate that can include barium, calcium or magnesium.

B. The Double Patenting Rejection

The Examiner rejected claims 1-13 and 17-32 on the grounds of non-statutory double patenting. Applicants respectfully request reconsideration.

Xin is directed to a phosphor laminate comprising: a rare earth activated alkaline earth thioaluminate phosphor thin film layer, an aluminum oxide or aluminum oxynitride layer provided directly adjacent and in contact with a bottom of the phosphor thin film layer; and a thick film dielectric layer adjacent the aluminum oxide or aluminum oxynitride layer.

In contrast, in the presently claimed invention we are claiming a rare earth activated alkaline earth thioaluminate phosphor; a rare earth or transition metal activated zinc selenide or rare earth or transition metal activated zinc sulfo-selenide; and an aluminum nitride barrier layer on the top and or bottom of the phosphor film.

Xin recites a thick film dielectric layer adjacent the aluminum oxide or oxynitride layer. The present application does not recite or require a thick film dielectric layer. In addition, the present application recites a phosphor film that can differ from that in Xin, and a different barrier layer (aluminum nitride versus aluminum oxynitride or aluminum oxide in Xin). Applicants submit that the present claims are thus sufficiently different such that an obviousness type double patenting rejection is improper. Withdrawal of this rejection is requested.

CONCLUSION

Applicants respectfully request reconsideration of the application in light of the above comments. Applicants respectfully submit that all claims recite patentable subject matter. If there are any issues remaining, the Examiner is encouraged to contact the undersigned in an attempt to resolve any issues. If any fee or extension is due in conjunction with the filing of this amendment, Application authorizes deduction of that fee from deposit account 06-0308.

Respectfully submitted,

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Date

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